

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

RICHARD HARRIS,

Plaintiff,

V.

T-MOBILE USA, INC.; DOES 1
through 10, inclusive,

Defendant(s).

Case No. 2:21-cv-03006-AB

CORRECTED MOTION FOR ADMISSION *PRO HAC VICE* OF ROSE S. MCCARTY

Pursuant to Local Rule of Civil Procedure 83.5.2(b), Geoffrey Brounell, counsel for Defendant T-Mobile USA, Inc., respectfully files this corrected motion for an order of this Court for the admission *pro hac vice* of Rose S. McCarty, Esq., on behalf of Corporate Defendant T-Mobile USA, Inc., and in support thereof states the following:

1. On February 8, 2022, Mr. Brounell filed the original motion for admission *pro hac vice* of Rose S. McCarty. *See* Declaration of Geoffrey S. Brounell ¶ 2. The initial motion and certificate of counsel contained an inadvertent error stating that Plaintiff’s counsel consented to the *pro hac vice* motion. *Id.* There is no meet and confer requirement under the local rules, but Ms. Carty and Mr. Brounell utilized a sample *pro hac vice* motion that included stock meet and confer language. *Id.* Ms. McCarty is newly stepping in on this case and mistakenly believed the parties had in fact discussed the *pro hac vice* motion as stated in the submission. *Id.* Mr. Brounell did not correct the misstatement in the submission as he was under the impression that

Ms. McCarty or his colleague James Moon, who has also been involved in this matter, had obtained the consent as stated in the submission. *Id.*

2. This error was brought to Mr. Brounell's attention through Plaintiff's opposition to the *pro hac vice* motion and email to Mr. Brounell and the Court on February 8, 2022. *See* Declaration of Geoffrey S. Brounell ¶ 3. The Court proceeded to grant the motion to appear *pro hac vice* shortly after the opposition was filed. *Id.* Mr. Brounell responded to Plaintiff's email later on February 8, 2022, explaining the error to Plaintiff's counsel and the Court. This corrected motion is intended to address that inadvertent error and make clear that Plaintiff's counsel did not consent to the prior motion.¹

3. This matter was commenced by the filing of a complaint.

4. Mr. Brounell is a member in good standing of the bar of the Commonwealth of Pennsylvania and the United States District Court for the Eastern District of Pennsylvania, has entered his appearance as counsel of record for Defendant T-Mobile USA, Inc. in this matter.

5. Rose S. McCarty is a member in good standing of the bar of the State of Washington. (*See* McCarty Aff. ¶ 1; *id.* at 3.)² Ms. McCarty has attached a Certificate of Good Standing to her affidavit. (McCarty Aff. at 3.)

¹ Plaintiff also stated in his opposition that there were prior misstatements in T-Mobile's motion to compel arbitration filed on October 28, 2021. (ECF No. 19-1 at p. 2.) That motion was mooted by the filing of an amended complaint in this action. (ECF No. 13.) The scrivener's errors in that motion apparently at issue were explained in the reply briefing to the mooted motion when the issue arose. (ECF No. 10 at p. 2 nn. 1-2.) An amended motion to compel arbitration was filed on January 7, 2022. (ECF No. 15.) Plaintiff does not identify any issue with that pending amended motion to compel arbitration except that "Defendant seeks to deprive this Court of its constitutionally granted powers, as well as to deprive Mr. Harris of his day in court" through that motion (ECF No. 19-1 at p. 2), which is irrelevant to whether arbitration should be compelled.

² Plaintiff also disputes this representation. (ECF No. 19-1 at p. 5.)

6. T-Mobile USA, Inc. has expressed its desire to have Ms. McCarty represent them as counsel of record in this matter, as she has experience representing other defendants in similar actions in federal district courts, and her admission to practice *pro hac vice* in this matter would allow for the case to progress in an efficient manner.

7. As directed by this Court, Ms. McCarty's sworn affidavit is attached hereto at Exhibit A.

WHEREFORE, the undersigned respectfully requests that this Court enter an order, in the form attached hereto, based on this corrected motion admitting Rose S. McCarty, *pro hac vice*, to appear before the Court and participate in this action on behalf of Corporate Defendant T-Mobile USA, Inc.

Dated: New York, New York

February 10, 2022

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

By: *s/ Geoffrey Brounell*

Geoffrey Brounell

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Attorneys for Defendant
T-Mobile USA, Inc.

CERTIFICATE OF SERVICE

I certify that on February 10, 2022, I caused a copy of the foregoing document to be served
via the Court's ECF system upon:

Kent Petry, Esq.
Law Offices of Kent Petry
PO Box 3387
Warminster, PA 18974
Counsel for Plaintiff

s/ Geoffrey Brounell
Geoffrey Brounell

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

RICHARD HARRIS,

Plaintiff,

v.

T-MOBILE USA, INC.; DOES 1
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Defendants.

Case No. 2:21-cv-03006-AB

ORDER

AND NOW, this ____ day of February, 2022, upon consideration of the Corrected Motion for Admission *Pro Hac Vice* of Rose S. McCarty and related filings, it is hereby ORDERED that the order granting the prior Motion for Admission *Pro Hac Vice* of Rose S. McCarty entered on February 8, 2022, is VACATED (ECF No. 20); and the corrected motion is GRANTED and Rose S. McCarty is admitted *pro hac vice* to appear before this Court and participate in this action on behalf of Defendant T-Mobile USA, Inc.

BY THE COURT:

_____, J.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

RICHARD HARRIS,

Plaintiff,

v.

T-MOBILE USA, INC.; DOES 1
through 10, inclusive,

Defendant(s).

Case No. 2:21-cv-03006-AB

**DECLARATION OF GEOFFREY S. BROUNELL IN SUPPORT OF
CORRECTED MOTION FOR ADMISSION *PRO HAC VICE* OF ROSE S. MCCARTY**

1. My name is Geoffrey S. Brounell. I am an attorney at the law firm of Davis Wright Tremaine LLP, counsel for Defendant T-Mobile USA, Inc. (“T-Mobile”) in this action. This declaration is based on my own personal knowledge, and if called as a witness, I could and would testify competently to the information set forth herein. I am over the age of 18 and am competent to make this declaration. I make this declaration in support of T-Mobile’s concurrently filed Corrected Motion for Admission *Pro Hac Vice* of Rose S. McCarty.

2. On February 8, 2022, I filed the original motion for admission *pro hac vice* of Rose S. McCarty, an attorney at my firm. The initial motion and certificate of counsel contained an inadvertent error stating that Plaintiff’s counsel consented to the *pro hac vice* motion. There is no meet and confer requirement under the local rules, but Ms. McCarty and I utilized a sample *pro hac vice* motion that included stock meet and confer language. Ms. McCarty is newly stepping in on this case, and informed me that she mistakenly believed the parties had in fact discussed the *pro hac vice* motion as stated in the submission. I did not correct the misstatement

in the submission as I was under the impression that Ms. McCarty or my colleague James Moon, who has also been involved in this matter, had obtained the consent as stated in the submission. The corrected motion is intended to address that error and make clear that Plaintiff's counsel did not consent to the prior motion.

3. This error was brought to my attention through Plaintiff's opposition and email to me and the Court on February 8, 2022. The Court proceeded to grant the contested motion to appear *pro hac vice*. I responded to Plaintiff's email later on February 8, 2022, explaining the error. To correct the record, I am submitting the corrected motion.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 10th day of February 2022, at New York, New York.



Geoffrey S. Brounell

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

RICHARD HARRIS,

Plaintiff,

v.

T-MOBILE USA, INC.; DOES 1
through 10, inclusive.

Defendants.

Case No. 21-cv-00434-KSM

**AFFIDAVIT OF ROSE S. MCCARTY
IN SUPPORT OF CORRECTED ADMISSION *PRO HAC VICE***

I, Rose S. McCarty, being duly sworn, depose and say as follows:

1. I am an active member in good standing of: the Washington State bar, admitted 10/22/2018; WSBA# 54282. A true and correct copy of my certificate of good standing is attached to this affidavit.

2. I have never been suspended from the practice of law in any jurisdiction or received any public reprimand by the highest disciplinary authority of any bar of which I have been a member, nor am I not subject to any disciplinary proceedings at this time.

3. I have read the most recent edition of the Pennsylvania Rules of Professional Conduct and the Local Rules of this Court and will comply with and be bound by both sets of Rules for the duration of the above-captioned matter.

4. If granted *pro hac vice* status, I will in good faith continue to advise counsel who has moved for my admission of the current status of the case for which *pro hac vice* status has been granted and of all material development therein.

Rose S. McCarty



Rose S. McCarty

Davis Wright Tremaine LLP
920 Fifth Avenue, Suite 3300
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(206) 757-7193 Fax
roseMcCarty@dwt.com

STATE OF WASHINGTON)
) ss.
COUNTY OF PIERCE)

On this 10th day of February, 2022, before me, a Notary Public in and for the State of Washington, personally appeared Rose McCarty, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument and acknowledged it to be her free and voluntary act and deed for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Online Notary Public. This notarial act involved the use of
online audio/video communication technology.

Jennifer L.D. Green



NOTARY PUBLIC in and for the State of
Washington, residing at Puyallup, Washington
My appointment expires May 9, 2025
Print Name Jennifer L. D. Green

